

**TRAVIS BAILEY**

**Date: December 13, 2022**

**Case: Larry Coston vs Norfolk Southern Railway Company**



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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

LARRY COSTON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action File No.
	)	
NORFOLK SOUTHERN RAILWAY	)	1:22-cv-01304-SEG
COMPANY,	)	
	)	
Defendant.	)	
	)	

**CERTIFIED  
TRANSCRIPT**

- - -

The videotaped deposition of TRAVIS BAILEY, taken pursuant to the stipulations contained herein; all formalities waived; the reading and signing of the deposition reserved; before Patrice Graper, CCR, CVR; taken on Tuesday, December 13, 2022, via videoconference; commencing at 10:00 a.m.

## APPEARANCES

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ON BEHALF OF THE PLAINTIFF:

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10:02 a.m.

(Whereupon, the court reporter complied with the requirements of O.C.G.A. §9-11-28(d).)

(Whereupon, all parties have agreed to waive 9-11-30(b)(4), therefore, the swearing of the witness is remote and taken down via Zoom.)

MR. SHUPING: We'll start, Mr. Bailey, by giving you an oath.

(Witness sworn.)

MR. SHUPING: All right, this will be the deposition of Travis Bailey, taken pursuant to Notice and agreement of counsel for all purposes allowed under the Rules and law.

Whereupon,

TRAVIS BAILEY, was called as a witness herein and, having been first duly sworn, was examined and deposed as follows:

## CROSS-EXAMINATION

BY MR. SHUPING:

Q Tell us your name, sir.

A Travis Bailey.

Q Mr. Bailey, where are you today?

A I'm in Charleston, South Carolina.

Q Okay. Are you at a lawyer's office or in

1 the railroad office?

2 A No, I'm at a lawyer's office here.

3 Q Okay. Tell us your professional address.

4 A 2200 Rich Street, that's North Charleston, 5 29405.

6 Q And tell us the zip code for your personal 7 address.

8 A

9 Q All right. Before you came to testify 10 today, I would guess most likely you met with some 11 lawyers, one lawyer at least, or talked to them by 12 telephone or otherwise and maybe looked at some 13 documents; is that fair?

14 A Yes.

15 Q So I don't wanna know what you talked about 16 with Norfolk Southern's lawyer, but it -- it might be 17 helpful to us today if I have a sense of what 18 documents or, you know, audio recordings or anything 19 like that you might have reviewed before you came to 20 testify today.

21 A Basically just the transcript of the 22 investigation and the exhibits that were submitted.

23 Q Did you listen to the audio with the 24 dispatcher?

25 A I did not.

<p style="text-align: right;">Page 6</p> <p>1 Q Okay. Well, Mr. Bailey, I know you've been  2 deposited before because I believe I've deposited you at  3 least once. Today's will proceed pretty much like  4 that deposition as well as any others that you've  5 done. If you wanna take a break at any time, just  6 let us know; we can do that. I'll ask you questions.  7 I'll try not to talk over you. If I cut you off,  8 please let me know. If I follow up with you and say  9 "Is that a yes or a no?" I'm not trying to, you know,  10 be difficult or give you a hard time, I'm just trying  11 to make sure we get a clear transcript.  12 If I ask a question that, for whatever reason,  13 doesn't make sense, you don't understand what I'm  14 asking, it's just a bad question, let me know and  15 I'll try and ask a better question or -- or get on  16 the same page with you. And as you can see, we've  17 got two lawyers and a court reporter. The only thing  18 missing today is a judge. And so Norfolk Southern's  19 lawyer may say "I object" periodically, but unless he  20 tells you to -- he -- he's just doing that so that if  21 we wanna argue about it later in front of a judge, we  22 can. But your job, unless he tells you not to answer  23 a question, is to go ahead and, you know, tune out  24 the objection and answer the question as best you  25 can. Does that make sense?</p>	<p style="text-align: right;">Page 8</p> <p>1 me back up a little bit. Let me make sure I get your  2 -- all right, and going back to November of 2020, if  3 I'm correct, you were the senior road manager of  4 engines out of Greenville.  5 A Yes.  6 Q Okay. And what does a senior road manager  7 of engineers do at Norfolk Southern?  8 A They monitor all locomotive engineers, you  9 know, as far as their annual monitoring and  10 certification purposes; conducting a rules class for  11 certification for conductors, remote control  12 operators; and also doing, you know, piloting and  13 event recorder review.  14 Q What does an engineer do?  15 A Operate a locomotive.  16 Q How about a conductor?  17 A They are -- they're there for, you know, any  18 type of set off work events. They actually direct  19 the locomotive engineer in, like, yard scenarios as  20 far as coupling and uncoupling. They're kind of the  21 guy on the ground.  22 Q Okay. How about a train dispatcher?  23 A They dispatch the -- the trains through the  24 UTCS system.  25 Q Okay. What's the UTCS system?</p>
<p style="text-align: right;">Page 7</p> <p>1 A Yes.  2 Q How are you employed, Mr. Bailey?  3 A Sorry, say that one more time.  4 Q Sure. Tell us how you're employed.  5 A How I'm employed?  6 Q Yes, sir. What's your current job?  7 A Oh, oh, I'm sorry. I'm the senior road  8 manager for the Charleston terminal.  9 Q How long have you been in that position?  10 A One year.  11 Q And I'm guessing that I would have asked you  12 about your history with the railroad the last time I  13 spoke with you, so I assume nothing has changed  14 there, fair?  15 A Yeah. That's fair, sir, yes.  16 Q Okay. Well, I won't make you go through all  17 of that again, then. As you know, I represent a  18 fellow named Larry Coston in this case. Obviously  19 you know who Larry is now. We're here today -- this  20 case kind of dates back to about November of 2020 and  21 one trip he took between Inman Yard and Austell,  22 Georgia. Prior to November of 2020, did you know Mr.  23 Coston?  24 A I did not.  25 Q What does a senior road manager -- well, let</p>	<p style="text-align: right;">Page 9</p> <p>1 A How they -- just the lining of the signals  2 and switches. What the dispatcher uses to line up  3 trains.  4 Q Okay. Is it fair to think of the train  5 dispatcher as sort of like the air traffic  6 controller?  7 A Yes, that's fair.  8 Q And the train dispatcher tells the trains  9 essentially what to do, where to go, and when?  10 MR. HAWKINS: Objection to the form. You  11 can answer.  12 BY THE WITNESS: (Resuming)  13 A Yes. They just line the route for the  14 train, yes.  15 Q Now, a dispatcher needs to be qualified on  16 the district that they're dispatching on, correct?  17 A Honestly, I don't know much about the  18 dispatchers and how they're qualified. I -- I don't  19 know.  20 Q Okay. Now, as the senior road manager for  21 engineers, you supervise both conductors and  22 engineers, correct?  23 A Correct.  24 Q But is it fair to say that -- that you have  25 a particular focus on engineers?</p>

<p style="text-align: right;">Page 10</p> <p>1 MR. HAWKINS: Objection to the form.  2 BY THE WITNESS: (Resuming)  3 A Yes, that's fair.  4 MR. HAWKINS: For the court reporter, I just  5 wanna make sure you can hear my objections.  6 THE COURT REPORTER: Yes, sir.  7 MR. HAWKINS: Okay. Great. And I'll --  8 I'll try to speak more quickly 'cause I know the  9 -- the witness and the -- and counsel are  10 speaking quickly. Go ahead.  11 BY MR. SHUPING: (Resuming)  12 Q How many -- as a senior -- you were the  13 senior road manager for Greenville. If we go back to  14 2020, how many other supervisors reported to you?  15 A Zero.  16 Q Okay. And how many engineers were you  17 responsible for supervising?  18 A Roughly about 85 to 90.  19 Q Mr. Bailey, if an engineer doesn't feel safe  20 operating a train, should they do so?  21 MR. HAWKINS: Objection to the form of the  22 question.  23 BY THE WITNESS: (Resuming)  24 A I don't really understand, sir.  25 Q Sure. Let me see if I can ask that another</p>	<p style="text-align: right;">Page 12</p> <p>1 BY THE WITNESS: (Resuming)  2 A Well, I mean, it's kind of not that -- that  3 -- that black and white. If an engineer takes an  4 issue with some kind of conditions or -- or, you  5 know, the safety of operating the train, there are  6 protocols for which they need to follow, not just not  7 do it. I mean, there's -- there's steps they have to  8 take.  9 Q At the end of the day, should an engineer  10 operate a train if they do not feel it is safe for  11 them to do so?  12 MR. HAWKINS: Same question. Asked and  13 answered. I object to the form of the question.  14 BY THE WITNESS: (Resuming)  15 A Again, it's -- things have to be reported,  16 reviewed, and then, you know, steps taken to  17 ascertain. You just can't not -- not do it. I --  18 that's the best I got. I don't understand.  19 Q Sure. Should an engineer run a train at a  20 speed that the engineer does not feel safe for them  21 to operate a train at?  22 MR. HAWKINS: Same objection. You can  23 answer.  24 BY THE WITNESS: (Resuming)  25 A Yeah. If he's a certified locomotive</p>
<p style="text-align: right;">Page 11</p> <p>1 way. Do you believe that a Norfolk Southern engineer  2 should not run a train if they don't feel that it's  3 safe for them to do so?  4 MR. HAWKINS: Objection to the form of the  5 question.  6 MR. SHUPING: Bob, what's your objection?  7 MR. HAWKINS: It's hypothetical and the  8 question is improper.  9 MR. SHUPING: That's -- that's not a real  10 objection.  11 MR. HAWKINS: It is and I object -- I object  12 to the form of the question.  13 MR. SHUPING: You can't object to every  14 question, Bob. We're -- we're not gonna go  15 through this. I'll file a motion --  16 MR. HAWKINS: You can file whatever motion  17 you want.  18 MR. SHUPING: Okay.  19 BY MR. SHUPING: (Resuming)  20 Q The question is, Mr. Bailey, As a supervisor  21 of engineers at Norfolk Southern, do you believe that  22 an engineer should not run a train if the engineer  23 does not think that it is safe for them to do so?  24 MR. HAWKINS: Same objection to the form of  25 the question. You can answer.</p>	<p style="text-align: right;">Page 13</p> <p>1 engineer and qualified on the territory specifics,  2 there's no reason why he shouldn't operate at that  3 speed.  4 Q Even if -- even if the engineer does not  5 feel that it's safe for them to do so?  6 MR. HAWKINS: Same objection. You can  7 answer.  8 BY THE WITNESS: (Resuming)  9 A Yes. I mean, you're certified and, like I  10 said, there's -- there's steps to take for that.  11 Q When you say "steps to take for that," tell  12 me what you mean by that.  13 A So just specific to your question, a speed -  14 - so if an engineer doesn't feel comfortable with  15 operating at a speed, pilots can be called to operate  16 that train at that speed with someone else.  17 Q Okay. So if an engineer doesn't feel safe  18 operating a train at full track speed, pilots can be  19 called?  20 A Correct.  21 Q Okay. Who would the engineer ask to get a  22 pilot?  23 A Well, I mean, it depends on, you know, the  24 situation, where they're at. I mean, typically it'd  25 be the dispatcher, let them know if you needed a</p>

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1 pilot.

2 Q Okay. Let's say the dispatcher tells them  
3 that they're not going to get a pilot, would you  
4 expect a locomotive engineer to run a train at a  
5 speed which the engineer does not feel that it's safe  
6 for them to operate at?

7 MR. HAWKINS: I object to the form of the  
8 question. It's compound and hypothetical.

9 BY MR. SHUPING: (Resuming)

10 Q You can answer.

11 A Well, if the dispatcher told them they're  
12 not gonna -- there has to be a reason why they would  
13 say they wouldn't get a pilot. I mean, they just  
14 wouldn't arbitrarily say no, you don't get one. Go.  
15 That's -- that doesn't happen. There's -- there's  
16 some kind of reason behind it. Either, you know, the  
17 engineer's already qualified and they're just not  
18 wanting to do it or something along those lines. But  
19 they -- arbitrarily, no, they won't just say, You  
20 don't get one.

21 Q Well, for whatever reason, let's assume the  
22 engineer asked for a pilot and he doesn't get one, at  
23 the end of the day, if the engineer doesn't feel safe  
24 operating the train at a certain speed, do you agree  
25 that it would be best for the engineer not to -- to

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1 do that?

2 MR. HAWKINS: I object to the form of the  
3 question. Compound. Hypothetical.

4 BY THE WITNESS: (Resuming)

5 A So is there any more detail? I -- I --  
6 'cause it's kind of a vague -- I mean, this could  
7 apply to numerous situations. I don't really -- I  
8 don't really --

9 Q Sure. Well --

10 A -- understand.

11 Q And that's --

12 A I don't know how to answer it 'cause there's  
13 so many other avenues for, you know -- as me, being  
14 an engineer, there's so many avenues for this. I --  
15 I don't even have an answer.

16 Q Sure. And it's -- it is a broad question.

17 A Yeah.

18 Q For whatever reason, let's say the engineer  
19 didn't get enough sleep, maybe the engineer, for  
20 whatever reason, is having some sort of panic attack,  
21 maybe it's something unrelated to railroading going  
22 on in their life, maybe it's -- it's whatever reason.  
23 But the question is, Should an engineer operate a  
24 train at a speed if that engineer doesn't feel that  
25 it's safe for them to do so?

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1 MR. HAWKINS: Same objection. Compound in  
2 several respects. Hypothetical. You can  
3 answer.

4 BY THE WITNESS: (Resuming)

5 A You know, I'm -- I'm gonna have to think.  
6 I'm gonna have to say yeah, they should operate at a  
7 speed even though they may not feel a little  
8 comfortable. Especially with the technology we have  
9 available to engineers today, with auto control and  
10 full-on PTC, there's no really reason why you -- you  
11 should not be able to operate at track speed. I  
12 mean, there's so many tools available to them today  
13 that weren't, and it's -- it's a lot -- a lot better  
14 and safer than it was.

15 Q Okay. Well, tell me about these tools.

16 MR. HAWKINS: Objection to the form of the  
17 question.

18 BY MR. SHUPING: (Resuming)

19 Q Tell us about these -- the tools that you're  
20 speaking of.

21 A Which tools, sir?

22 Q Let's see, I believe -- and correct me if  
23 I'm wrong. I don't wanna cut you off. Did you --  
24 which ones did you mention? The --

25 A Auto control and PTC.

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1 Q Okay. Well, tell me about the PTC.

2 A Okay. PTC, that is Positive Train Control.  
3 It is essentially a electronic track chart. I mean,  
4 it shows elevation, curvature, undulation of track,  
5 locations of signals, locations of crossings. It can  
6 display signal indication of signals ahead of you.  
7 It shows maximum speed. It shows speeds of turnouts.  
8 It's essentially a form of protection, you know, to  
9 prevent certain incidents and accidents from  
10 happening.

11 Q Does Norfolk Southern track PTC failures?

12 A I don't know.

13 Q Okay. Are you aware if Norfolk Southern has  
14 ever tracked PTC failures?

15 A I don't know.

16 Q Who at Norfolk Southern would you talk to if  
17 you were curious to find out about that?

18 A Honestly, I wouldn't have any idea who would  
19 even -- I have no idea. I've never -- it's never  
20 come up.

21 Q Do you have a sense of whether the PTC  
22 system ever does fail?

23 A I haven't witnessed it myself.

24 MR. HAWKINS: Objection to the foundation.  
25 You can answer.



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1 BY MR. SHUPING: (Resuming)

2 Q Your testimony is you've never witnessed a  
3 failure or malfunction of the PTC system?

4 A I have not witnessed it, no, sir.

5 Q Well, tell us about auto control, what you  
6 called auto control. What is that?

7 A That is a fuel-saving technology that's  
8 integrated onto the locomotives. It -- it runs the  
9 trains. So from 12 miles an hour up, you would  
10 engage auto control, and it would operate the train  
11 according to switch speeds, signal indication,  
12 timetable speed, along those lines. So the engineer  
13 would essentially just monitor it while it ran the  
14 train for them.

15 Q What is the responsibility of a locomotive  
16 engineer operating a train with the auto control and  
17 the PTC engaged?

18 A They are to engage the auto control and run  
19 it when available.

20 Q Is the engineer responsible for making sure  
21 that the train stays within the speed limit or any  
22 speed restrictions for the track?

23 A Yes. They would monitor the system.

24 Q If the system runs the train outside of the  
25 speed limits or speed -- any speed restrictions on

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1 the track, who is ultimately responsible for that?

2 MR. HAWKINS: Objection to the form of the  
3 question. Compound and makes an assumption  
4 that's not established. You can answer.

5 BY THE WITNESS: (Resuming)

6 A The -- the engineer would take control back  
7 to -- any event that happened, they would take back  
8 control and reduce speed.

9 Q When you say "the engineer would take back  
10 control," what -- what would that involve?

11 A Well, TO would be matching -- what we call  
12 "matching the handles."

13 Q I'm sorry, did you say TO?

14 A Yeah, Trip Optimizer. That's the auto  
15 control.

16 Q Okay. And I'm -- I'm sorry. Help me -- you  
17 know, help me understand as someone who doesn't --  
18 what do you mean when you say TO would be -- I'm  
19 sorry, I think you said touching the handles.

20 A Well, you would match the handles. So when  
21 auto control's engaged, you know, on the control  
22 stand of the locomotive, there are handles. You have  
23 a throttle handle and a dynamic brake handle.

24 Depending on what the auto control is doing at that  
25 time, say, it's running in dynamic brake and you go

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1 to take it back, you would move the dynamic brake  
2 handle to the number that it's using and just  
3 disengage.

4 Q So if the train was going a speed that was  
5 not appropriate, the engineer would have to  
6 essentially take the -- take over control from the  
7 auto control system?

8 A Yes.

9 MR. HAWKINS: Objection to the form. You  
10 can answer.

11 BY MR. SHUPING: (Resuming)

12 Q That's a yes?

13 A Yes.

14 Q Okay. I couldn't hear you. If the PTC  
15 initiated an unwarranted, you know, brake application  
16 or something like that, who would be responsible for,  
17 you know, making sure that the locomotive, the train  
18 stayed on the tracks and, you know, everything went  
19 the way it should?

20 MR. HAWKINS: Objection to the form of the  
21 question. You can answer.

22 BY THE WITNESS: (Resuming)

23 A Well, if it initiated a brake application, I  
24 mean, there's really nothing anyone else could do.

25 The train would come to a stop. I mean, as far as an

Page 21

1 engineer goes, I don't -- there's nothing he can do  
2 to ensure anything stays on the railing. The train  
3 just comes to a stop.

4 Q So if the -- like, if the PTC put the train  
5 in emergency, the engineer doesn't really have any  
6 responsibility other than just riding it down?

7 MR. HAWKINS: Objection to the form. You  
8 can answer.

9 BY THE WITNESS: (Resuming)

10 A Well, I mean, he would just have to bail off  
11 the brake, but everything else goes to auto-stop and  
12 the train will come to a stop.

13 Q Who's responsible for blowing the locomotive  
14 horn at railroad crossings when the auto control PTC  
15 are engaged?

16 MR. HAWKINS: Objection to the form. You  
17 can answer.

18 BY THE WITNESS: (Resuming)

19 A Well, PTC will blow the horn for them based  
20 on the distance from the crossing. I mean, it does  
21 all of that automatically, but the engineer can  
22 choose to blow the crossing if he so deems necessary.

23 Q If the PTC doesn't blow the horn correctly  
24 for a crossing, is the engineer ultimately  
25 responsible for making sure that the horn does get

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1 blown correctly?

2 A Yes.

3 Q And why is it important and necessary to  
4 blow a horn at a crossing?

5 A It's -- most of those are public crossings.  
6 I mean, there's vehicles, pedestrians, people. Just  
7 to warn the general public of an oncoming train.

8 Q And what is the rule for horns blowing at  
9 public crossings?

10 MR. HAWKINS: Objection to the form. You  
11 can answer.

12 BY THE WITNESS: (Resuming)

13 A Well, it's -- the blast is two longs, a  
14 short, and a long at least 20 seconds before the  
15 crossing and, I believe, no more than 15 prior to  
16 entering the crossing.

17 Q I think you might've gotten those reversed.  
18 Do you mean 15 -- at least 15 seconds before the  
19 crossing but no more than 20?

20 A Yeah. At least 15 seconds but no more than  
21 20 before entering the crossing.

22 Q And, obviously, blowing the whistle at  
23 crossings is done to protect the safety of the public  
24 and the crew, correct?

25 A Yeah. More the public.

Page 23

1 Q Well, and is it fair to say, I mean, the  
2 crew obviously doesn't wanna hit anything either?

3 A Well, yeah. Nobody wants to hit anything,  
4 but, I mean, it's more of a warning to the public so  
5 they stay off the crossing so they don't get hit.

6 Q Sure. But you would agree there'd be a  
7 danger to the crew if there was something on the  
8 crossing, a tractor-trailer, something like that,  
9 even just a car?

10 A Yeah. It's possible, yes.

11 Q Let's talk about this day that you charged  
12 Mr. Coston with disciplinary infractions. If I'm not  
13 mistaken, I believe your charge letter said it was  
14 November 27, 2020, but you -- you remember this day  
15 that -- that -- related to which you charged Mr.  
16 Coston with some disciplinary charges?

17 MR. HAWKINS: Objection to the form of the  
18 question.

19 BY THE WITNESS: (Resuming)

20 A I'm -- I'm sorry, I couldn't hear you.

21 Q That's -- that -- that --

22 A You might have been away from the mic.

23 Q Sure. That may have been a little bit of a  
24 clumsy question. Let me see if I can ask this a  
25 little different. I have the date in question -- the

Page 24

1 -- the date of the events that you charged Mr. Coston  
2 with disciplinary charges for, I have that as  
3 November 27, 2020. Does that sound about right to  
4 your memory?

5 A Yes.

6 Q Okay. And whatever it is, do you remember a  
7 specific date where there were events that you  
8 decided to charge Mr. Coston with disciplinary  
9 charges for?

10 A I'm not following. Do I remember dates that  
11 I chose to charge him?

12 Q Sure. I appreciate that. Maybe that was a  
13 little bit clumsy -- clumsily-worded too, so I  
14 appreciate you letting me know. Yeah, do you  
15 remember an event, essentially in November of 2020,  
16 where you wound up charging Larry Coston with some  
17 disciplinary charges?

18 A Yes. Oh, yes, yes.

19 Q Tell us about that -- that day. What were  
20 you doing that day?

21 A I was piloting trains between Inman Yard and  
22 Austell.

23 Q And why were you doing that?

24 A They had extended the pools. Trains that  
25 originally terminated at Inman Yard were now going to

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1 Austell for an additional 12 miles. They were  
2 getting crews qualified.

3 Q Now, to serve as a pilot, what are the  
4 requirements for being a pilot?

5 A Well, to pilot both crew members, you have  
6 to be dual certified as an engineer and a conductor  
7 and then you also have to be qualified on the  
8 territory specifics.

9 Q So there needs to be a pilot essentially for  
10 the conductor and the engineer; is that fair,  
11 assuming -- well, let me back up. Assuming that  
12 neither the conductor or engineer are qualified, does  
13 there need to be a pilot for both the conductor and  
14 engineer?

15 MR. HAWKINS: Object to the form of the  
16 question.

17 BY THE WITNESS: (Resuming)

18 A No.

19 Q Okay. Well, maybe let -- let me help us  
20 break this down, and certainly feel free to let me  
21 know if the questions aren't clear; if there's an  
22 easier way for you to explain it. But let's say we  
23 have a engineer and a conductor. Now, just generally  
24 speaking -- well, let's back up with this. Before a  
25 person can work as a conductor, they need to be



<p style="text-align: right;">Page 26</p> <p>1 baseline qualified to work as a conductor, correct?</p> <p>2 MR. HAWKINS: Objection to the form.</p> <p>3 BY THE WITNESS: (Resuming)</p> <p>4 A Yes. Yes, sir.</p> <p>5 Q And before a person can work as an engineer,</p> <p>6 they need to be sort of baseline qualified to work as</p> <p>7 a locomotive engineer, correct?</p> <p>8 A Correct.</p> <p>9 Q And -- and that's just general</p> <p>10 qualifications to do the job, that they've generally</p> <p>11 been trained and have some level of experience doing</p> <p>12 the job of a conductor or doing the job as a -- of an</p> <p>13 engineer, correct?</p> <p>14 A Correct.</p> <p>15 Q Now, it's -- and maybe it's a crude</p> <p>16 comparison, but is it fair to say that's sort of the</p> <p>17 equivalent of having a driver's license?</p> <p>18 A Yeah. I'd say that's fair.</p> <p>19 Q Okay. Beyond that sort of baseline</p> <p>20 qualification, then, is it true that a conductor</p> <p>21 needs to be qualified to operate on the specific</p> <p>22 track or territory on which they are working as a</p> <p>23 conductor?</p> <p>24 A Yes.</p> <p>25 Q And same for an engineer, that beyond the</p>	<p style="text-align: right;">Page 28</p> <p>1 trips across this territory with another qualified</p> <p>2 crew or have a pilot to pilot them across the terri-</p> <p>3 -- territory who's qualified on the specifics.</p> <p>4 Q All right. And so it sounded like there</p> <p>5 were two options, and the first one was to take trips</p> <p>6 with a qualified crew. By that, do you mean that</p> <p>7 they would essentially ride as passengers in the</p> <p>8 locomotive while another crew operated the -- the</p> <p>9 locomotive and train?</p> <p>10 A Yes. That's one way to do it, yes.</p> <p>11 Q And it sounded like the second way that you</p> <p>12 said was to have a pilot, correct?</p> <p>13 A Correct.</p> <p>14 Q And is the pilot for the engineer or is the</p> <p>15 pilot for the conductor? How does that work?</p> <p>16 A Well, a pilot can be for both. The reason</p> <p>17 they had a road foreman down there doing it is we're</p> <p>18 dual certified. We're conductor and engineer</p> <p>19 certified. We were all previously engineers. So we</p> <p>20 had the ability to pilot both crew members at the</p> <p>21 same time.</p> <p>22 Q And what -- and when I ask you questions</p> <p>23 today, if there's -- for some reason there's some</p> <p>24 sort of distinction, you know, let's say, if you were</p> <p>25 piloting a -- whatever, a train carrying nuclear</p>
<p style="text-align: right;">Page 27</p> <p>1 baseline qualifications to work as an engineer, that</p> <p>2 engineer needs to be qualified for the specific area</p> <p>3 of track or territory that they're working as an</p> <p>4 engineer on?</p> <p>5 A Yes.</p> <p>6 Q So sort of going back to this idea, let's</p> <p>7 say we have a train crew, and a train crew generally</p> <p>8 is gonna involve a -- an engineer and a conductor,</p> <p>9 correct?</p> <p>10 A Correct. Yes, sir.</p> <p>11 Q And while you may sometimes have more people</p> <p>12 than that on a crew, you're always gonna have at</p> <p>13 least one engineer and one conductor, correct?</p> <p>14 A Correct.</p> <p>15 Q At least for now. So let's say you have on</p> <p>16 a train a conductor and an engineer and neither one</p> <p>17 of them are qualified for a piece of territory or</p> <p>18 piece of track that they would like to operate over,</p> <p>19 how can that -- how are they allowed to operate over</p> <p>20 that track? What is required for them to be able to</p> <p>21 do so?</p> <p>22 MR. HAWKINS: Objection to the form. You</p> <p>23 can answer.</p> <p>24 BY THE WITNESS: (Resuming)</p> <p>25 A Well, first they would have to either take</p>	<p style="text-align: right;">Page 29</p> <p>1 material in the Arctic Circle, there may be different</p> <p>2 rules, right, but you can assume when I ask you</p> <p>3 questions about the role of a pilot, that I'm</p> <p>4 speaking to -- to this area. And if there are -- you</p> <p>5 know, if there's anything unique or that may vary,</p> <p>6 then please let me know. Does that -- does that make</p> <p>7 sense?</p> <p>8 A Yes. I understand.</p> <p>9 Q Okay. For a pilot who's, say, is operating</p> <p>10 between Inman and Austell, what -- what does the</p> <p>11 pilot do?</p> <p>12 A We coach the crew. If they're not</p> <p>13 qualified, we essentially go over the territory</p> <p>14 specifics as far as the control points, milepost</p> <p>15 locations, you know, any speeds that may affect them.</p> <p>16 And the best of my knowledge of that one, it's only</p> <p>17 the -- what we call turnout speeds, which are</p> <p>18 different than the timetable speed.</p> <p>19 Q When you are piloting crews between Inman</p> <p>20 and Austell, do you have them run at full track</p> <p>21 speed?</p> <p>22 A Yes.</p> <p>23 Q Why?</p> <p>24 A Well, we had auto controls, so it would run</p> <p>25 it at track speed for us.</p>

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1 Q When you pilot, generally do you have crews  
2 run at full track speed, or do you have them run  
3 slowly?

4 A No. I typically always try to do track  
5 speed.

6 Q To be a pilot, that would require you to  
7 have a good amount of familiarity with the territory,  
8 correct?

9 A Correct.

10 Q And just like anything, you can't really  
11 teach somebody something you don't know yourself,  
12 fair?

13 MR. HAWKINS: Objection to the form of the  
14 question.

15 BY THE WITNESS: (Resuming)

16 A That's fair.

17 Q Do you believe it's important for an  
18 engineer -- well, let me back up. The trains that  
19 were operating between Inman and Austell -- well, let  
20 me even back up further than that. So my  
21 understanding is -- is that, essentially, there were  
22 Norfolk Southern employees like Mr. Coston who had  
23 been qualified on a territory that generally ran  
24 between Atlanta and Greenville, South Carolina; is  
25 that correct?

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1 A Yes, yes.

2 Q But that had not been qualified on a section  
3 of track that ran between Inman Yard in Atlanta and a  
4 yard in Austell, Georgia, correct?

5 A Yes. That's correct.

6 Q And so there was a certain number of  
7 employees who were in this situation where they were  
8 qualified on large stretches of this territory but  
9 then had to learn this new -- new part of the  
10 territory, correct?

11 A Correct.

12 Q And it was -- I believe it was roughly 12  
13 miles.

14 A Yes, sir.

15 Q Is it important for an engineer with -- you  
16 know, the baseline qualified engineer, is it  
17 important for that engineer to receive qualifying  
18 trips on a new territory?

19 A Yes.

20 Q Why?

21 A To be familiar with it. You know, he's  
22 already a -- they're already certified engineers, so  
23 as far as running trains and the -- the nuances that  
24 go with that, I mean they're good. They just need  
25 the -- just the territory specifics really.

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1 Q So even with the auto control, even with the  
2 PTC, you would agree that a locomotive engineer would  
3 need some number of qualifying trips on a new  
4 territory before it's safe for them to run it?

5 MR. HAWKINS: Objection to the form of the  
6 question, but you can answer.

7 BY THE WITNESS: (Resuming)

8 A Yes.

9 Q If we go back to November 2020, where was  
10 your, you know, main office location at that time?

11 A Greenville, South Carolina.

12 Q And was your home in the Greenville area or  
13 thereabouts?

14 A Yes.

15 Q And you said that on the day in question,  
16 which would be November 27th of 2020, you were  
17 piloting trains between Inman and Austell. How many  
18 days had you been engaged in -- in that sort of job,  
19 if you will, piloting trains back and forth?

20 A I was there for -- I think I did two weeks.

21 But I think at that time I'd been there for about a  
22 week. I think I was on a week, working on my second  
23 week.

24 Q I take it that's when this new stretch of  
25 territory was added, that -- well, let me try to ask

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1 this better. When -- when the decision was made that  
2 engineers like Mr. Coston would have these 12 miles  
3 added to their territory, who all was involved in,  
4 you know, organizing that change and trying to take  
5 the steps to make sure everyone could get qualified  
6 and so forth?

7 MR. HAWKINS: Objection to the form. You  
8 can answer.

9 BY THE WITNESS: (Resuming)

10 A Now, that I don't know. I was just called  
11 to pilot.

12 Q Who told you to go down and pilot?

13 A That would be my boss.

14 Q Who was that?

15 A Richard Brown.

16 Q And what was Mr. Brown's position at that  
17 time?

18 A He was the Southern Region road foreman.

19 Q Was he the one that you were -- who would  
20 you report, you know, whatever you did that day? Who  
21 were you talking to about this project to work as a  
22 pilot?

23 A I don't understand. We didn't really  
24 report. I mean, we -- there was only two trains that  
25 we piloted. We didn't really report any progress.

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1 It was just one train there and one train back a day  
2 is all that ran. I don't really understand. I  
3 don't, like, really -- I guess I don't understand the  
4 question.

5 Q Okay. Well, thank you. So Mr. Brown is the  
6 one who told you that you needed to go spend some  
7 time in Georgia piloting trains between Inman and  
8 Austell?

9 A Yes.

10 Q Okay. And what -- what did he task you with  
11 doing? Did -- I mean, did he just say go down there  
12 and pilot trains back and forth, or did he tell you a  
13 bigger picture of what, you know, what overall he  
14 hoped to achieve?

15 A Yes, so we were assigned in blocks. I  
16 believe we were doing two-week rotations. You know,  
17 they had the 237, 238, which were the two trains that  
18 run from in between Inman and Austell. They were  
19 running those trains right into the Inman port from -  
20 - from Atlanta, and they were gonna get the guys in  
21 the pool qualified. So we were down there just to  
22 pilot them back and forth for those trains  
23 essentially getting everyone their trips in in the  
24 pool.

25 Q Now, when you say "the pool," the -- "the

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1 pool" refers to the number of employees like Mr.  
2 Coston who were engineers who were, going forward,  
3 gonna be asked to operate in this territory but had  
4 not previously?

5 A Yes. Engineers and conductors.

6 Q Okay. Do you know how many engineers or  
7 conductors were in that pool?

8 A I do not.

9 Q Okay. But your understanding was that you  
10 and others would be sent down to Inman and Austell to  
11 help -- act as pilots and help the employees in this  
12 pool learn this new part of the territory, correct?

13 A Yes. That's correct.

14 Q Do you know how it was decided how many  
15 qualifying trips employees would get?

16 A I do not.

17 Q Do you know how many -- what the decision  
18 was of how many qualifying trips employees would get,  
19 what the number was?

20 A Yeah. Two -- two trips.

21 Q And who told you that it would be two?

22 A I believe that was Richard said, you know,  
23 two trips across is all they need.

24 Q I take it, then, you were not consulted  
25 about this number of trips.

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1 A No, sir.

2 Q Okay. We're going back to this -- this day  
3 in November. Tell me what -- you know, the -- the  
4 chain of events that led to you charging Mr. Coston  
5 with the disciplinary charges, tell us how that, you  
6 know, first began.

7 MR. HAWKINS: Objection to form. You can  
8 answer.

9 BY THE WITNESS: (Resuming)

10 A Well, I was actually in Austell. I was  
11 going to -- I was piloting a crew on the 238, which  
12 was the train coming to Inman. I'd already looked at  
13 the lineup. I knew who was coming on the 237, you  
14 know, they showed they'd had their trips, they were  
15 qualified, so I went on down to Austell. I did get a  
16 call from the dispatcher who said, hey, 237, you  
17 know, they need a pilot or they're requesting a pilot  
18 out of Inman. I said all right. I said that'll work  
19 out. I'm -- I'm on 238, I'll be coming to Inman.  
20 I'll just get on their train and I'll ride back to  
21 Austell, which would've, you know, benefitted me. My  
22 -- my vehicle was there. So when I got to Inman, 237  
23 was gone, and that kind of led up to this whole  
24 thing. 'Cause I called the dispatcher like, well,  
25 no, they -- they went ahead and took the train, so

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1 okay.

2 Q So you were willing to pilot 237 to Austell?

3 A Yes.

4 Q Did you tell the dispatcher to have 237 wait  
5 for you to get there and that you would pilot them?

6 MR. HAWKINS: Objection to the form. You  
7 can answer.

8 BY THE WITNESS: (Resuming)

9 A No. I believe the crew told her they didn't  
10 wanna wait for me or they didn't "want Bailey out  
11 here." So they just left.

12 Q So what did you tell the -- the -- I wanna  
13 make sure I understand this. I don't wanna get it  
14 wrong. When the dispatcher told you that 237 was  
15 requesting a pilot, what instruction did you give to  
16 the dispatcher?

17 MR. HAWKINS: Objection to the form. You  
18 can answer.

19 BY THE WITNESS: (Resuming)

20 A I didn't give her any instruction. I just  
21 said okay. I said, you know, I'm coming to Inman on  
22 the 238. I'll just step across and get on 237.

23 Q Did you tell the dispatcher that they did  
24 not need a pilot?

25 A I said they did show qualified, but I'm

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<p style="text-align: right;">Page 38</p> <p>1 still -- I mean, I was gonna ride them anyway, save  2 me a trip. I had to go back and get my car, so it  3 would've worked out.  4 Q Did you tell the dispatcher to have them  5 call you?  6 A I don't recall that, no.  7 Q Okay. Now, you told us that you rode the  8 238 from Austell to Inman, correct?  9 A Correct.  10 Q And that you got there, you thought the 237  11 would be waiting on you but it was not?  12 A Correct. It was, yeah, not there.  13 Q Okay. So tell us what happens next in the  14 chain of events that lead to you charging Larry  15 Coston with a disciplinary charge.  16 MR. HAWKINS: Objection to form, but you can  17 answer.  18 BY THE WITNESS: (Resuming)  19 A I turned my phone back on and called the  20 dispatcher and I said, Hey, 237 -- they're like,  21 well, they're -- they're gone. They -- they departed  22 from Austell. I said okay. So I got in a cab and  23 went back and got my vehicle and went back to my  24 hotel.  25 Q All right. What happens next in the chain</p>	<p style="text-align: right;">Page 40</p> <p>1 Q Do you remember who that was, their name?  2 A I do not.  3 Q Okay. And what, did they indicate that any  4 sort of problem was caused by this? Why were they --  5 you know, why were they calling you? Were they  6 complaining about this? Were they just letting you  7 know?  8 A Well, I'm -- I'm -- from what I can recall,  9 they were worried the crew was gonna outlaw, which  10 essentially would, you know, back up trains trying to  11 get in and out of Inman; try to get a crew out there.  12 They just wanted me to review to see what, if any,  13 was any issues 'cause it was taking that train  14 extremely long to get there.  15 Q Had the chief spoken with the dispatcher who  16 was, you know, in charge of getting that train to  17 Austell?  18 A I don't know.  19 Q What did you have to do to get the -- the  20 data from that train?  21 A Oh, the event recorder?  22 Q Yeah.  23 A I just had to download it. They're all  24 remote downloadable.  25 Q Okay. So you can -- you can do that in your</p>
<p style="text-align: right;">Page 39</p> <p>1 of events that lead to you charging Mr. Coston?  2 A Well, it was -- I'm trying to think. It was  3 some time had passed 'cause I was actually back in my  4 hotel room, and I believe I -- I believe it was the  5 chief dispatcher called and said there was some issue  6 with 237. It was taking them extremely longer than  7 it should have been for them to go between Inman and  8 Austell. So I pulled up the event recorder tapes,  9 you know, to download the event recorder of the  10 locomotive that was on the 237, and that's kinda when  11 I noticed that, you know, it was operating between 6  12 and 8 miles an hour. You know, in PTC territory you  13 can see the -- what they're good for which would, you  14 know, indicate they had proceed signals. I mean, so  15 it was obvious they were running extremely, extremely  16 slow.  17 Q Let's go back. Who called you to tell you  18 about this?  19 A I'm -- I'm -- I'm pretty sure it was the  20 chief of the NOC Center, the NOC.  21 Q What is the NOC?  22 A It's like a dispatching center. I'm not  23 sure what it stands for, but...  24 Q Would the chief be the chief dispatcher?  25 A Yes.</p>	<p style="text-align: right;">Page 41</p> <p>1 hotel room, I assume.  2 A Yeah. Yeah, right from my laptop.  3 Q Okay. All right, so you looked at that.  4 Tell us the next -- next thing you did in this chain  5 of events leading to you charging Mr. Coston?  6 A Well, the next thing -- let's see here. I  7 saw -- I looked at the tapes. I noticed they were  8 going extremely slow, which, I mean -- so I wanted to  9 double check to make sure. So I pulled up the PTC  10 screen to make sure they weren't running on any less-  11 than-permissive signals. 'Cause this is all signal  12 territory, which the signals are your authori- --  13 authorization to move out there on that -- that 12  14 miles of track. So he had all good signals,  15 authorized to move, good for track speed, no engine  16 issues. I mean, the best I know that's, from what I  17 can remember, all I done. Now, as far as after that,  18 I don't remember if I ever talked to Mr. Coston or  19 not, but I may have but I don't recall.  20 Q All right. That would make sense that you  21 would call Mr. Coston and say, hey, why were you  22 going slow, right?  23 MR. HAWKINS: Objection to the form. You  24 can answer.  25 BY THE WITNESS: (Resuming)</p>



<p style="text-align: right;">Page 42</p> <p>1 A I mean, it would make sense, but, I mean,  2 it's been over two years ago. I can't -- I can't  3 remember that.  4 Q Sure. And your -- I mean, your first  5 instinct, obviously, if you're looking at this and  6 you're -- you're puzzled by it or troubled by it as a  7 supervisor, you would wanna call Mr. Coston and say,  8 hey, you know, what's going on? Is there something I  9 don't know about or, you know, or just find out why,  10 just say, hey, why were you going slow?  11 MR. HAWKINS: Objection to the form. You  12 can answer.  13 BY THE WITNESS: (Resuming)  14 A Yeah. I mean, absolutely, I mean, it makes  15 sense. 'Cause, you know, I'd checked to make sure,  16 you know, Coston had had all of his trips. He was  17 not a new engineer, and this -- you know, the 12-  18 miles track between Inman and Austell is a basic run.  19 It's only 12 miles. You know, with the PTC and auto  20 control, it -- it's a very -- as an engineer myself,  21 this is one of the easiest runs I think I've seen in  22 a while. So I -- you know, it would make sense to  23 try to see what the issue was, if any. I mean, I --  24 I don't know.  25 Q All right. When you say it's one of the</p>	<p style="text-align: right;">Page 44</p> <p>1 responsible for this territory between Inman and  2 Austell in --  3 A Yes.  4 Q -- that time period?  5 A Yes.  6 Q Who would that have been?  7 A I believe it was Jim Robinson.  8 Q Do you have any -- well, let me back up.  9 Had this territory, this -- this area between Inman  10 and Austell, had it ever been a territory where you  11 were the day-to-day frontline supervisor?  12 A No.  13 Q And I guess I ask that question with some  14 qualifications, so let me ask it more broadly. Had  15 it ever been part of a territory over which you were,  16 you know, a day-to-day supervisor?  17 A Not day-to-day, no.  18 Q Did you have a sense of how many, you know,  19 rule violations historically had occurred in that  20 section?  21 A No, I don't.  22 Q Now, when I say "rule violations," there are  23 certain -- there's essentially a lot of rules, right,  24 that govern Norfolk Southern conductors and  25 engineers?</p>
<p style="text-align: right;">Page 43</p> <p>1 easiest runs you've seen in a while, what  2 characteristics about it make this 12 miles  3 particularly easy?  4 A It's all double track, active PTC, Trip  5 Optimizer. It's 261 which is signaled in both  6 directions, so the signal authorizes your movement.  7 PTC shows you what your signals are. It actually  8 looks ahead for five miles. It's -- like I said,  9 this 12-mile run was -- it was -- it was a nice, easy  10 run.  11 Q Well, for reference, what would be, say, a -  12 - you know, if this is one of the easier ones, what  13 would be a harder stretch of track?  14 A Heavy-grade territory. Something along  15 those lines. Heavy grade, maybe some of that non-  16 signal territory. That's a little tougher to operate  17 in 'cause you don't have the signal. If you have to  18 go by landmarks and mileposts and -- it's -- it's a  19 little more difficult.  20 Q As a senior road manager of engines out of  21 Greenville, was this your territory, you know,  22 generally?  23 A No, it was not.  24 Q Would there have been another road manager  25 of engines who was day-to-day on a usual basis more</p>	<p style="text-align: right;">Page 45</p> <p>1 A Yes, yes.  2 Q And, I mean, it's fair to say it's sort of a  3 rule-based job; is that fair?  4 A That's fair, yes.  5 Q And so when I say "rule violations," to your  6 mind that would include things like failing to blow a  7 horn in the right pattern at a railroad crossing?  8 MR. HAWKINS: Objection to the form. You  9 can answer.  10 BY MR. SHUPING: (Resuming)  11 Q Correct?  12 A I mean, it could be. I mean, you would have  13 to be at that crossing, but...  14 Q Sure. There's -- there's a -- there's a  15 rule in Norfolk Southern's rulebook that applies to  16 conductors and engineers that sets forth, like we  17 discussed earlier, the certain, you know, amount of  18 times they're supposed to blow the horn and the  19 pattern they're supposed to blow it in at crossings,  20 correct?  21 A Correct. Yes.  22 Q And a rule violation would include something  23 like a train getting past a stop signal, correct?  24 A Correct.  25 Q And sometimes, on the railroad, people will</p>



<p style="text-align: right;">Page 46</p> <p>1 -- a stop signal, they'll refer to that as a red board?</p> <p>3 A Yes.</p> <p>4 Q Okay. So when someone says a "red board violation," what -- what do they mean by that?</p> <p>6 A A stop signal violation.</p> <p>7 Q Okay. And the stop signal sort of -- it may be a little bit more complicated obviously, but sort of like a traffic light for cars, the stop signal essentially is a stop sign for a train?</p> <p>11 MR. HAWKINS: Objection to the form.</p> <p>12 BY THE WITNESS: (Resuming)</p> <p>13 A Yes.</p> <p>14 Q And when I say get by it, I mean it's -- it's -- it's very important on the railroad for the train to stop before the stop signal, correct?</p> <p>17 A Correct.</p> <p>18 Q And unlike a car where, you know, there's a little white lane on your car but most of us, you know, sometimes will slide a little past it, you've seen people do that, right?</p> <p>22 A Oh, absolutely.</p> <p>23 Q And, you know, you can do that for a number of decades really and probably never get a traffic ticket for it, correct?</p>	<p style="text-align: right;">Page 48</p> <p>1 A Correct.</p> <p>2 Q And, like I said, it doesn't matter really if it's -- I mean, obviously it may matter a little bit, but it doesn't really matter if it's only an inch, if you're by that stop signal, that's a big deal?</p> <p>7 MR. HAWKINS: Same objection. You can answer.</p> <p>9 BY THE WITNESS: (Resuming)</p> <p>10 A Correct. Correct.</p> <p>11 Q And the -- the reason why -- the reason why it's a big deal is because it's a safety issue, correct?</p> <p>14 A Correct.</p> <p>15 MR. HAWKINS: Trent, is this a good time for a break, five minutes?</p> <p>17 MR. SHUPING: Yeah. Sure, we can take a break.</p> <p>19 MR. HAWKINS: All right.</p> <p>20 (Whereupon, there was a brief recess.)</p> <p>21 BY MR. SHUPING: (Resuming)</p> <p>22 Q Mr. Bailey, when we left off we were talking about what might be -- you know, what types of rule violations you might have. Speeding is a rule violation, correct?</p>
<p style="text-align: right;">Page 47</p> <p>1 A Yes.</p> <p>2 Q It's a -- a little bit different situation on the railroad with respect to stop signals, correct?</p> <p>5 A Oh, yeah. Correct.</p> <p>6 Q I mean, with a -- with a train, if they're an inch past the stop signal, that's -- that's a big deal, correct?</p> <p>9 MR. HAWKINS: Objection to form. You can answer.</p> <p>11 BY THE WITNESS: (Resuming)</p> <p>12 A Oh, yeah, absolutely.</p> <p>13 Q Okay. And the reason -- and when I say it's "a big deal," it's a -- it's a terminable offense if a train gets past the stop signal, correct?</p> <p>16 MR. HAWKINS: Objection to form. You can answer.</p> <p>18 BY THE WITNESS: (Resuming)</p> <p>19 A Yes.</p> <p>20 Q And it'd be a terminal offense for the engineer; it'd be a terminal offense for the conductor, correct?</p> <p>23 MR. HAWKINS: Same objection. You can answer.</p> <p>25 BY THE WITNESS: (Resuming)</p>	<p style="text-align: right;">Page 49</p> <p>1 A Yeah. That's correct. I was waiting.</p> <p>2 They're blowing leaves and stuff right outside the office.</p> <p>4 Q Oh, okay. Well, I'm sorry. Let me know if you have any trouble hearing me. Were you -- were you able to hear that last question?</p> <p>7 A Yes.</p> <p>8 Q Okay. Now, sort of, again, if we compare driving a car to operating a locomotive for Norfolk Southern, driving a car, it's not that uncommon for people to exceed the speed limit by, say, five miles an hour. You've observed that, correct?</p> <p>13 A Correct.</p> <p>14 Q And it generally -- I won't say "that big of deal," but in the grand scheme of things, if you go and watch traffic for a while, you're gonna see a lot of people that are exceeding the speed limit by about five miles an hour, fair?</p> <p>19 A That's correct.</p> <p>20 Q And, now, how does that compare with being a -- a locomotive engineer or conductor at Norfolk Southern in -- in terms of obeying the speed limit?</p> <p>23 MR. HAWKINS: Object to the form of the question. You can answer.</p> <p>25 BY THE WITNESS: (Resuming)</p>

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1 A We expect them to run the speed limit.  
 2 Q Is exceeding the speed limit for a train by  
 3 five miles an hour sort of, you know, common?  
 4 A No.  
 5 Q The speed limit for trains is -- is strictly  
 6 enforced, correct?  
 7 MR. HAWKINS: Object to the form of the  
 8 question.  
 9 BY THE WITNESS: (Resuming)  
 10 A Correct.  
 11 MR. HAWKINS: You can answer.  
 12 BY THE WITNESS: (Resuming)  
 13 A Correct.  
 14 Q And even, you know, one mile per hour is  
 15 something that is gonna not be tolerated, for the  
 16 most part?  
 17 MR. HAWKINS: Objection to the form. You  
 18 can answer.  
 19 BY THE WITNESS: (Resuming)  
 20 A No. That's -- that's not accurate.  
 21 Q Okay. Well, help -- help me understand, you  
 22 know, sort of how the speed limit works and what sort  
 23 of gray areas there may be or, you know, what's  
 24 acceptable and what's not acceptable.  
 25 MR. HAWKINS: Objection to the form, but you

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1 can answer.  
 2 BY THE WITNESS: (Resuming)  
 3 A Well, obviously speeding is never  
 4 acceptable, but, I mean, there's certain scenarios.  
 5 We allow for what they call "splash over" when you  
 6 get one or two mile an hour over and the engineer is  
 7 taking action to reduce the speed. There's --  
 8 there's nothing wrong with that. It happens every  
 9 day.  
 10 Q Okay. Sure. So you get -- a train gets a  
 11 little -- well, let me -- let me back up. Is  
 12 controlling the speed of a locomotive a bit more  
 13 complicated than, say, controlling the speed of a  
 14 car?  
 15 MR. HAWKINS: Objection to the form. You  
 16 can answer.  
 17 BY THE WITNESS: (Resuming)  
 18 A Not necessarily.  
 19 Q Okay. Well, on a car you have a --  
 20 generally a gas pedal, correct, and a -- a brake  
 21 pedal?  
 22 A Correct.  
 23 Q And assuming you have an automatic  
 24 transmission, those two things are gonna control the  
 25 speed of the car, fair?

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1 A Fair.  
 2 Q On a train, what sorts of things are gonna  
 3 impact the speed at which a train is traveling?  
 4 A Gravity, tonnage, uphill, downhill.  
 5 Q And what tools does the locomotive engineer  
 6 have at his or her disposal to affect the speed of  
 7 the train?  
 8 A Throttle, dynamic brake, automatic brake,  
 9 and gravity. They can use ascending grades to  
 10 control their speed. You don't necessarily need  
 11 brakes.  
 12 Q To control the speed of a train, the  
 13 engineer is gonna need to be sort of thinking ahead  
 14 and using their mind and keeping all these things we  
 15 just talked about, you know, in the front of their  
 16 mind in terms of how they control that speed, fair?  
 17 MR. HAWKINS: Objection to form. You can  
 18 answer.  
 19 BY THE WITNESS: (Resuming)  
 20 A Fair.  
 21 Q Okay. And, you know, depending on the  
 22 situation, there may be times as a locomotive  
 23 engineer where it's not simply a matter of slamming  
 24 on the brakes, you know, they need to -- to be  
 25 thinking ahead and prepare to be able to -- to make

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1 sure their train is operating at the speed they want  
 2 it to be, correct?  
 3 MR. HAWKINS: Same objection, but you can  
 4 answer.  
 5 BY THE WITNESS: (Resuming)  
 6 A Correct.  
 7 Q And you explained to us -- and I -- and I  
 8 appreciate you clarifying that. You said, you know,  
 9 if a train gets over the speed limit by, you know, a  
 10 mile per hour or two and the engineer, you know, acts  
 11 to bring that under, that's not -- not necessarily,  
 12 you know, a big deal or a bad thing or something  
 13 they're gonna get disciplined for, correct?  
 14 A That's correct.  
 15 Q I assume if they were, you know -- stayed  
 16 that mile or two miles per hour over the speed limit  
 17 for some extended period of time, it might start to  
 18 become an issue; is that fair or true?  
 19 A Yeah. I mean, if you're consistently like -  
 20 - well, even maybe one or two, not so much.  
 21 Q At what point does it start to -- and -- and  
 22 I don't wanna put words in your mouth, so can you  
 23 help us understand, you know, at what point it -- it  
 24 transfers from being, you know, a part of train  
 25 handling to becoming a serious issues, a more serious

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1 issue, and then maybe, you know, say, an extreme  
2 issue?

3 MR. HAWKINS: Object to the form of the  
4 question. You can answer.

5 BY THE WITNESS: (Resuming)

6 A A serious issue is five over. Extreme would  
7 be ten.

8 THE WITNESS: Can we take a little break?  
9 I'm sorry, my -- there's something going on at  
10 the terminal. Would that be --

11 MR. SHUPING: Yeah, that's -- that's fine.

12 THE WITNESS: Just to pause for just a  
13 second?

14 MR. SHUPING: Yeah. I'm thinking, this  
15 being Zoom, it's no big deal in my office. Do  
16 what you need to do.

17 (Whereupon, there was a brief recess.)

18 BY MR. SHUPING: (Resuming)

19 Q Okay, I think we were talking about  
20 speeding, and you said that severe speeding on the  
21 railroad would be about five miles over; extreme  
22 would be about ten miles per hour over.

23 A Yes.

24 Q Okay. So going -- going back to this  
25 territory between Inman and Austell, do you have any

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1 sense of how many, you know, types of rule violations  
2 historically occur on this territory every year?

3 A I do not.

4 Q Now, we talked about the red boards. With  
5 speeding, the rules about speeding are there for  
6 safety reasons, correct?

7 A Correct.

8 Q And the -- and with respect to what the  
9 speed limit might be on any particular stretch of  
10 track at any particular time, most track will have a  
11 particular speed limit, correct?

12 A Correct.

13 Q For the default speed limit, you know, under  
14 op-- you know, operable conditions or if there's no  
15 issues, this is, you know, the maximum speed limit  
16 that's safe for this particular stretch of track?

17 A Yes.

18 MR. HAWKINS: Objection to form. You can  
19 answer.

20 BY THE WITNESS: (Resuming)

21 A Yes.

22 Q Okay. Sometimes a curve will have a lower  
23 speed limit than a straighter section?

24 A Yes.

25 Q Okay. What's a turnout?

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1 A It's a switch.

2 Q Okay. And a switch is what -- a switch is  
3 sort of a mechanical feature of the track that will  
4 allow a train to go from one track to another?

5 A Yes.

6 Q Do -- how does going over a turnout affect  
7 the appropriate speed for a train, if at all?

8 A Turnouts are usually slower than timetable  
9 speed.

10 Q What -- what other things that we haven't  
11 talked about might, you know, affect the appropriate  
12 speed limit for a train?

13 MR. HAWKINS: Objection to form. You can  
14 answer.

15 BY THE WITNESS: (Resuming)

16 A Temporary speed restriction is the only  
17 thing I can think of.

18 Q And temporary speed restriction could be --  
19 would that include, like, having a work crew out  
20 there?

21 A No, no. A temporary speed would be like if  
22 the work crew had already left and there's a  
23 temporary speed over the section they were working  
24 on.

25 Q Okay. So a temporary speed restriction

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1 would be something that was localized in some  
2 particular area of the track where, for whatever  
3 reason, trains need to go slow there for some amount  
4 of time for -- for, you know, some period of time?

5 A Yes.

6 Q We were walking through the chain of events  
7 that led to you charging Mr. Coston with disciplinary  
8 charges, and we talked about you getting a call from  
9 the chief dispatcher. We talked about you looking at  
10 the train data. You said you don't remember whether  
11 or not you spoke with Mr. Coston. Did you speak with  
12 his conductor, do you remember, or anyone else, any -  
13 - any further contact with the dispatcher?

14 MR. HAWKINS: Objection to the form of the  
15 question. You can answer.

16 BY THE WITNESS: (Resuming)

17 A No. Not that I -- I definitely wouldn't  
18 talk to the conductor, I wouldn't think.

19 Q What happens -- what's the next, you know,  
20 step in this chain of events after you look at the --  
21 the data from the train?

22 A Well, you know, after I pulled from the  
23 train, you know, went over any permanent speed  
24 restrictions, make sure wasn't nothing, you know,  
25 making him run as slow as he was, then I would, you

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1 know, try to figure it out, then, you know, I would  
2 charge him with it. Typically get language from  
3 labor relations, you know, kind of telling them  
4 here's what I see, here's what I think happened, you  
5 know, I'm looking for some charge language to support  
6 that.

7 Q What -- when you went to labor relations to  
8 -- to ask for charge language, what did you think he  
9 had done wrong?

10 A Well, just, you know, looking at the tapes,  
11 you know, kind of what all was going on at that time  
12 period, you know, being I was there to pilot and for  
13 some reason he didn't want me to pilot him being I  
14 was a supervisor, you know, and they -- there was a  
15 job that was traditionally on before all this went  
16 on. They would bring the freight from Austell to  
17 Inman and then, you know, gentlemen like Mr. Coston  
18 in that pool would just get on at Inman and go to  
19 Greenville.

20 So essentially the organization had lost some --  
21 some jobs. Some work was gone from the union at that  
22 point, and they were having these guys go a little  
23 farther. Honestly, to me, this was just how I feel,  
24 and I covered it with labor relations and the event  
25 recorder, you know, some of the -- the evidence that

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1 I had to support it was it was more like a shot at  
2 the carrier. We were doing this on purpose just to  
3 prove our point 'cause we lost our -- you know, a  
4 couple of our jobs, you know, some of our union guys,  
5 you know, lost some of their jobs.

6 That's the only thing I can figure out that  
7 would, you know, be done like this, especially since  
8 I was there on property to pilot and, you know, I was  
9 going to pilot. I was gonna ride with them even  
10 though he didn't -- he didn't need one. From what I  
11 recall, he had had the trips. So I -- I mean, that's  
12 -- that's what I went to labor relations with and  
13 that's how that kind of transpired.

14 Q Did -- you told us maybe about the general  
15 situation. Did you have any particular reason to  
16 feel that Mr. Coston specifically was doing this as  
17 some sort of labor protest?

18 A Well, I mean, yeah. I mean, if he called  
19 for a pilot and he so needed one - I was headed  
20 there. I was gonna ride with them anyway - why not  
21 just wait and I go with you and all this would've  
22 been avoided. But he chose not to wait. And I think  
23 he even mentioned me by name, "I don't want Bailey  
24 out here," so that kind of added to that, being I was  
25 a supervisor, you know, and this was a union, you

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1 know, union deal. That kind of, you know, backed up  
2 my claim a little bit, I feel.

3 Q Okay. Did you -- on the day this happened,  
4 did you ever tell the dispatcher to have Mr. Coston  
5 call you?

6 A Not that I recall. I mean, I'm trying to  
7 think why I would want him to call me. Maybe to tell  
8 him to wait, I'm on my way or something. I -- I  
9 don't know.

10 Q Now, if you had told the dispatcher that you  
11 would pilot Mr. Coston, you would expect the  
12 dispatcher to relay that message to him, correct?

13 A Yes.

14 Q And then, I mean, that would be part of the  
15 dispatcher's job. If you tell the dispatcher, hey,  
16 I'm on my way over there, I'll pilot him in, you  
17 would have expected the dispatcher to tell Mr. Coston  
18 that, correct?

19 A Yeah. And they did.

20 Q Okay. Your testimony is you believe the  
21 dispatcher told Mr. Coston that you were on your way  
22 over to pilot?

23 A Yes. They actually told him I was in the  
24 area to pilot, you know, as far as the voice tapes  
25 went on the transcript. And that's when Mr. Coston

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1 declined, said, "We don't want Bailey out here.  
2 We'll just take the train." So, yeah, the dispatcher  
3 did tell him I was there to pilot.

4 Q At what point did you get whatever  
5 dispatcher tapes you have?

6 A I got those -- well, I -- while I was  
7 putting all this together in my hotel room, once I  
8 pulled the event recorder and had the -- the voice  
9 playing on the -- the system they've got that backs  
10 all that up, it's recorded.

11 Q How long does it stay recorded?

12 A That I don't know.

13 Q Did you listen to Mr. Coston's conversations  
14 with the dispatcher?

15 A I did.

16 Q Did you hear Mr. Coston request a pilot?

17 A I don't think I heard that. I'm trying to  
18 recall. Let me think. I believe so. I believe I  
19 did hear him as they come in to Inman, you know, you  
20 could hear the dispatcher relay back to him, say,  
21 "Well, Bailey's in the area. He'll be there to pilot  
22 you," and then Coston's like, "Well, no, we don't  
23 want Bailey out here. I'll just take the train."

24 But, see, I -- I heard none of that 'cause I was on  
25 the train trying to get from Austell and he was in



<p style="text-align: right;">Page 62</p> <p>1 the terminal.</p> <p>2 Q All right, who is Scott Yancey?</p> <p>3 A I have no idea.</p> <p>4 Q Okay. Who took Mr. Coston out of service?</p> <p>5 A I did.</p> <p>6 Q Why?</p> <p>7 A 'Cause it was a, you know, blatant</p> <p>8 violation. I mean, it warranted him being taken out</p> <p>9 of service.</p> <p>10 Q You said labor relations -- that you spoke</p> <p>11 with labor relations telling them you were gonna</p> <p>12 charge. Did you speak with any of your supervisors?</p> <p>13 MR. HAWKINS: Objection to the form of the</p> <p>14 question. You can answer.</p> <p>15 BY THE WITNESS: (Resuming)</p> <p>16 A No. Uh-uh (negative), I -- I wouldn't have.</p> <p>17 Labor relations usually gives us the charge language.</p> <p>18 Q Did you discuss Mr. Coston's trip between</p> <p>19 Inman and Austell with any of your supervisors in any</p> <p>20 respect with respect to the fact that it happened or</p> <p>21 the charges, or in any way, shape, or form, did you</p> <p>22 discuss it with any of your supervisors? .</p> <p>23 MR. HAWKINS: Objection to the form.</p> <p>24 BY THE WITNESS: (Resuming)</p> <p>25 A Well, yeah. I would have to notify my boss,</p>	<p style="text-align: right;">Page 64</p> <p>1 minutes, I would have been there and I would've</p> <p>2 piloted him. If it was that big of a, you know,</p> <p>3 concern or, you know, I'm so worried about the --- I</p> <p>4 mean, I was 20 minutes away. I was there in the</p> <p>5 area. I would not have minded at all. So I would've</p> <p>6 expected him to either wait for me or, if he chose</p> <p>7 not to wait, I mean, you had other trips, you're a</p> <p>8 good engineer, you've been around, run your train.</p> <p>9 Do your job.</p> <p>10 Q When you say "do your job," you mean for him</p> <p>11 to have run the train at full track speed between</p> <p>12 Inman and Austell?</p> <p>13 A To initialize his auto control and let it</p> <p>14 run the train for him at track speed.</p> <p>15 Q You said that you reviewed the transcript</p> <p>16 from the discipline investigation. When did you take</p> <p>17 a look at that last?</p> <p>18 A Yesterday.</p> <p>19 Q Okay. And did you read through at least all</p> <p>20 the parts where you were speaking?</p> <p>21 A I did my best. I tried to get through it.</p> <p>22 Q Okay. I'll tell you what, let me see -- let</p> <p>23 me back up. Did -- did you discipline or bring</p> <p>24 discipline charges against anyone else in connection</p> <p>25 with this trip?</p>
<p style="text-align: right;">Page 63</p> <p>1 you know, of what transpired.</p> <p>2 Q And who was your boss? That would've been</p> <p>3 Mr. Brown?</p> <p>4 A Yes. Richard Brown.</p> <p>5 Q And tell me about your conversations with</p> <p>6 him.</p> <p>7 A Oh, geez, I can't recall verbatim. You</p> <p>8 know, I more than likely would have said, hey, here's</p> <p>9 what we got, here's the tapes. I was, you know --</p> <p>10 here's the voice tapes. I listened to it. I'll give</p> <p>11 it to labor relations and get some charge language.</p> <p>12 Well, go ahead with the charge. That would be</p> <p>13 typical conversation.</p> <p>14 Q Okay. And he would've signed off on it?</p> <p>15 A Well, no. It wasn't no really signing off</p> <p>16 on it. It was, you know, more of a letting him know.</p> <p>17 'Cause labor relations, that's kind of the -- you go</p> <p>18 to them with charge language, they're kind of like,</p> <p>19 well, either you can or can't. So they're more of</p> <p>20 the -- they're the lawyers.</p> <p>21 Q What -- what is it you would have expected</p> <p>22 Mr. Coston to do differently than what he did?</p> <p>23 A Well, I would've expected him to do his job,</p> <p>24 or, you know, if it was such a big concern to him or</p> <p>25 if he was so worried about his safety, wait 20</p>	<p style="text-align: right;">Page 65</p> <p>1 A No.</p> <p>2 Q Okay. Not against the conductor?</p> <p>3 A No. I don't think so. Not to my knowledge.</p> <p>4 Q Okay. Not against the dispatcher?</p> <p>5 A No. They didn't do anything wrong.</p> <p>6 Q Okay. So you took no issue with the</p> <p>7 performance of the -- of the dispatcher?</p> <p>8 A No. He did nothing wrong.</p> <p>9 Q Did the conductor do anything wrong?</p> <p>10 A Not that I recall.</p> <p>11 Q Let's take a look at the hearing transcript.</p> <p>12 Can you see this on your screen?</p> <p>13 A Yes.</p> <p>14 Q Okay. And you're familiar -- you -- you've</p> <p>15 -- let me back up. You've served as both a hearing</p> <p>16 officer and a charging officer for disciplinary</p> <p>17 hearings at Norfolk Southern?</p> <p>18 A I have, yes.</p> <p>19 Q And when I refer to a discipline hearing or</p> <p>20 discipline investigation, do you understand that to</p> <p>21 mean the in-house procedure that Norfolk Southern</p> <p>22 needs to hold pursuant to the collective bargaining</p> <p>23 agreement with engineers and conductors before they</p> <p>24 can assess certain kinds of discipline?</p> <p>25 A Yes.</p>



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1 MR. HAWKINS: Objection to form.  
 2 BY THE WITNESS: (Resuming)  
 3 A Yes.  
 4 Q And -- and if we look at this, this is --  
 5 you recognize, obviously, the format of this being  
 6 the transcript that's prepared of the investigation?  
 7 A Yes.  
 8 Q And this would've been what you looked at  
 9 yesterday?  
 10 A Yes.  
 11 Q Okay. Now, because we're doing this by  
 12 Zoom, it has some advantages and some drawbacks.  
 13 Obviously, you can't control this on your end, but I  
 14 can tell you I don't mean for this to be any kind of  
 15 memory quiz or in any way unfair to you, so if you  
 16 would like me at some point to look at some part of  
 17 this document or move it around in some way, please  
 18 let me know. Does that make sense?  
 19 A Yes.  
 20 Q Okay. If we look at page 10, it's -- it's  
 21 Bate -- this -- this copy of it is Bates stamped  
 22 "Hearing transcript," and it has the -- the date and  
 23 it's sequentially numbered. And so if we look at the  
 24 top of page 10 with the Bates stamp here, it says  
 25 "Mr. Bailey." That indicates you're speaking,

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1 correct?  
 2 A Yes.  
 3 Q And, you know, looking at this, you can --  
 4 you agree with me that is -- is -- you're the one  
 5 speaking there, fair?  
 6 A That's fair.  
 7 Q Okay. It -- it says -- and there I have it  
 8 highlighted. It says, "I did pull some Crew  
 9 Information sheets to see who was operating the  
 10 train." You would have actually known who was  
 11 operating the train, correct?  
 12 A As far as the 237?  
 13 Q Yes.  
 14 A Well, yeah. I mean, I did pull it, but I  
 15 think that's also to see how many trips they'd made.  
 16 'Cause he showed qualified, but you always wanna  
 17 double check yourself.  
 18 Q Okay. Now, when you said you'd look to see  
 19 how many trips they'd make, how did you do that?  
 20 A In his crew call screen.  
 21 Q Okay. And what information did you look  
 22 for?  
 23 A The two trains that run between Austell and  
 24 Inman.  
 25 Q And did -- which would be train 237 and

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1 train 238?  
 2 A Yes.  
 3 Q Okay. Now, does anything on that crew call  
 4 information tell you, you know, about that particular  
 5 trip and confirm for you for sure that they actually  
 6 traveled over this stretch of track?  
 7 A Yes. Well, the 238 at the bottom of the  
 8 screen would say taxied to Austell 'cause the train  
 9 went on duty in Austell. And then for the return  
 10 trip, 237, there's a time difference from the time  
 11 they arrive and the time that they would show tying  
 12 up. That would be their taxi back. Either taxi or  
 13 they're stealing time, which I'm assuming it's a taxi  
 14 ride.  
 15 Q Okay. So if Mr. Coston says that one of  
 16 these trips that you found, he actually did not take  
 17 the train, would you -- you would disagree with that  
 18 based on these records, or would you say, no, that  
 19 certainly seems like a possibility that you might've  
 20 actually gotten off at Inman with one of these trips.  
 21 MR. HAWKINS: Objection to form, but you can  
 22 answer.  
 23 BY THE WITNESS: (Resuming)  
 24 A Well, I -- I'd have to see the -- the record  
 25 on it. I -- I don't know. I couldn't just guess.

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1 Q Okay. Let me see if I can pull that up for  
 2 us. And -- and I went through that quickly, but  
 3 these are the exhibits to the -- to the hearing. You  
 4 said you had reviewed these, correct?  
 5 A Yes.  
 6 Q Okay. So what I'm showing you, I assume  
 7 looks familiar. You can see up there it's --  
 8 A Mm-hm (affirmative).  
 9 Q -- marked. It looks like the page that  
 10 we're looking at currently, which is Bates stamped 60  
 11 in this series, this just shows us who was on train  
 12 237 on November 27th of 2020, correct?  
 13 A Correct.  
 14 Q And we see here in sort of the area where my  
 15 cursor is that it would be Larry Coston. And "EN"  
 16 would stand for engineer?  
 17 A Correct.  
 18 Q And Mr. Walter -- Willie Walter, who would  
 19 have been the conductor, correct?  
 20 A Correct.  
 21 Q Now, if we continue down, we're looking at  
 22 the page Bates stamped 62 in this series, and it  
 23 looks like it was another part. It's the employee  
 24 work history for Mr. Coston, correct?  
 25 A Correct.

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1 Q Okay. Is -- this would've been what you  
2 would've looked at to see how many times he had  
3 worked train 237 or 238?  
4 A Yes.  
5 Q Okay. Now, Mr. Coston says that on one of  
6 the trips, he actually did not run between Inman and  
7 Austell. Based on the information here, would you  
8 look at this and dispute that and say no, I don't  
9 think that could be true?  
10 A Based on that information, yes, he -- those  
11 trains operate between Inman and Austell.  
12 Q Okay. And tell us why this information here  
13 would indicate that he had actually operated between  
14 Inman and Austell on each of these trips?  
15 A That's where the trains originated and  
16 departed and terminated.  
17 Q Okay. Now, the -- the trains periodically  
18 have to re-crew, correct?  
19 A Yes. Sometimes, yes.  
20 Q And you mentioned earlier something about  
21 going on the law. Train crews are restricted in how  
22 many hours they can be in service before they -- they  
23 have to stop working, correct?  
24 A Correct.  
25 Q And is that 12 hours?

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1 A Yes.  
2 Q Okay. And I believe -- well, let me back  
3 up. Is it possible sometimes that train 230 -- the -  
4 - the incoming train to Inman might actually just get  
5 stopped in Inman and another crew might take it to  
6 Austell?  
7 MR. HAWKINS: Object to form, but you can  
8 answer.  
9 BY THE WITNESS: (Resuming)  
10 A Only if that crew was on out-of-service.  
11 Q Okay. And so what I'm getting at, does  
12 anything in what we're looking at here on this page  
13 tell you specifically for sure that it was Mr. Coston  
14 who specifically took the train between Inman and  
15 Austell?  
16 A Yes. On that page, yes. Those trains  
17 originate and terminate in Austell.  
18 Q And what -- point me to it here.  
19 A So the train -- yeah, the train pairs 238  
20 and 237. 238, that train originates in Austell.  
21 Q Okay.  
22 A 237 terminates in Austell.  
23 Q And that's the train, correct?  
24 A Correct.  
25 Q And I guess what I'm getting at is, Does

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1 anything about these records specifically state to  
2 you where Mr. Coston ended his -- his tour of duty?  
3 A Yeah. Looking at that record, it would be  
4 Austell.  
5 Q Okay. If Mr. Coston, for whatever reason,  
6 let's say his -- he was taking the train from  
7 Greenville and it was supposed to terminate in  
8 Austell but there's some sort of incident and he went  
9 on the law, say, in commerce, that -- that is  
10 something that could happen, correct?  
11 MR. HAWKINS: Objection to form.  
12 BY THE WITNESS: (Resuming)  
13 A It can.  
14 Q Okay. If that had happened, how would this  
15 sheet be different?  
16 A Well, that sheet wouldn't. You would have  
17 to look at the actual tie-up screens.  
18 Q Okay.  
19 A But based on that sheet, those trains made  
20 it as far as that sheet shows.  
21 Q And what part of the sheet shows us that  
22 these trains made it?  
23 A I mean, that whole sheet. I can look at  
24 that sheet, I would just -- they made it. Originate  
25 and terminate, that's their terminal. So to go

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1 deeper, you just have to look at each one of them  
2 individually.  
3 Q Okay. So to actually see how that train got  
4 there, we would -- we would need to go to another --  
5 some other information?  
6 A Yes.  
7 Q Okay. And if -- like I said, if, for  
8 whatever reason, something happened and Mr. Coston  
9 did not actually operate in between Inman and  
10 Austell, it would not necessarily show on this  
11 screen, correct?  
12 MR. HAWKINS: Object to the form. You can  
13 answer.  
14 BY THE WITNESS: (Resuming)  
15 A No. All this shows is terminating and  
16 originating.  
17 Q For -- for the train, correct, not for the  
18 man?  
19 A Yes. Well, I mean, he's assigned to those  
20 trains on this screen.  
21 Q Sure. But if, for whatever reason -- you  
22 know, nothing about this necessarily shows that he  
23 terminated with the train.  
24 A I mean, it doesn't show he didn't, so I  
25 would go by that as he made it.

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1 Q Okay. Before the investigation, were you  
2 asked to bring with you to the investigation audio of  
3 Mr. Coston's communications with the dispatcher that  
4 day?  
5 A I mean, I know I had it. I'm not sure if I  
6 was asked to bring it. I was gonna bring it anyway,  
7 but I wasn't sure if I was asked.  
8 Q Let me see if we can -- we'll go back to the  
9 transcript. We're looking at pages Bates labeled 12.  
10 We go up, we can see that this is you speaking, "Mr.  
11 Bailey," correct?  
12 A Correct.  
13 Q And towards the bottom here, you said, "At  
14 the request of the Organization, I do have the voice  
15 tapes." That's what -- at least what you said at the  
16 investigation, correct, that the organization,  
17 meaning Mr. Coston's representatives, had asked for  
18 the voice tapes of him speaking with the dispatcher?  
19 A Yes. That's -- that's what that would've  
20 meant, yeah.  
21 Q Now, you say there were other requests made  
22 by the organization, "One was the Road Foreman, off  
23 the Road Foreman Desk" which Mr. Coston spoke to, and  
24 you said that you attempted to find this person but  
25 he was no longer with Norfolk Southern.

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1 A That's correct, yes.  
2 Q Okay. So somebody at least had communicated  
3 to you that they -- Mr. Coston spoke to the road  
4 foreman desk, correct?  
5 MR. HAWKINS: Objection to the form, but you  
6 can answer.  
7 BY THE WITNESS: (Resuming)  
8 A Yeah. Must've been. I mean, I -- I tried -  
9 - you know, I try to give the organization what they  
10 request, you know, just to be -- to be fair and  
11 cordial.  
12 Q Okay. And did you find out -- did you know  
13 anything about Mr. Coston's communications with the  
14 road foreman desk?  
15 A I do not.  
16 Q Okay. Now, if we go through here, at some  
17 point you play some portion of the audio at the  
18 investigation, correct?  
19 A Correct.  
20 Q Did you play -- well, let me back up. We  
21 see in the transcript they transcribed whatever  
22 portion of the audio you played, correct?  
23 MR. HAWKINS: Object to the --  
24 BY THE WITNESS: (Resuming)  
25 A Yes.

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1 MR. HAWKINS: Objection to the form. You  
2 can answer.  
3 BY MR. SHUPING: (Resuming)  
4 Q Did you play anything other than what was  
5 transcribed here?  
6 A I wouldn't think so, no.  
7 Q Okay. Had you done so, you would expect for  
8 it to be in the transcript, correct?  
9 A Yes. Yeah, yeah, you'd want it on the  
10 record.  
11 Q Okay. And you didn't play any of the  
12 portion where Mr. Coston asked for a -- a pilot?  
13 MR. HAWKINS: Objection to form. You can  
14 answer.  
15 BY THE WITNESS: (Resuming)  
16 A Yeah, that would've been the part I would've  
17 played. I mean, that's -- that's the whole part they  
18 requested was the part talking to the dispatcher.  
19 Q Okay. So you think you would have played  
20 the part where Mr. Coston said, I would like a  
21 dispatcher? No, I'm sorry, I would -- let me just  
22 start over. You think you would've played the part  
23 where Mr. Coston told the dispatcher that he would  
24 like a pilot to help get from Inman to Austell?  
25 MR. HAWKINS: Objection to the form of the

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1 question. It's compound.  
2 BY THE WITNESS: (Resuming)  
3 A Yes.  
4 Q And you think you at some point would've  
5 listened to that request?  
6 MR. HAWKINS: Same objection.  
7 BY THE WITNESS: (Resuming)  
8 A Yes. I mean, if it says it up there. It's  
9 pretty lengthy.  
10 Q Well, let me see if you can hear this  
11 through my computer. I'll play you some portion of a  
12 audio recording that I received yesterday.  
13 (Whereupon, Plaintiff's Exhibit No. 1 was  
14 identified for the record.)  
15 (Audio played.)  
16 BY MR. SHUPING: (Resuming)  
17 Q Mr. Bailey, can you -- can you hear that?  
18 A I can.  
19 Q I'm sorry, you can or can't?  
20 A I can.  
21 Q Okay. Good.  
22 (Audio played.)  
23 BY MR. SHUPING: (Resuming)  
24 Q Mr. Bailey, we just heard the 237, correct,  
25 contacting the dispatcher?

<p style="text-align: right;">Page 78</p> <p>1 A That's what it sounded like, yes.  2 (Audio played.)  3 BY MR. SHUPING: (Resuming)  4 Q Okay, now, Mr. Coston or whoever on that  5 said, "We're not gonna call Bailey." That would  6 indicate a telephone call, correct?  7 A No. On the radio. 'Cause I was coming to  8 them on 238. That was him saying he's not gonna call  9 me. He didn't want me out there.  10 Q Okay. You think they weren't gonna call you  11 on the radio?  12 A Yeah, yeah, yeah. You can't have phones on  13 you on trains.  14 Q Okay. Now, the dispatcher didn't say  15 anything to -- to Mr. Coston about, well, no, go  16 ahead and wait, he's coming out to meet you, correct?  17 A I mean, Mr. Coston's the one that requested  18 the pilot. The dispatcher wasn't gonna be like, no,  19 I'ma make you stay here and wait. I mean, if he said  20 he was gonna go and didn't want me, then, I mean,  21 they're gonna let him go.  22 Q Okay.  23 (Audio played.)  24 BY MR. SHUPING: (Resuming)  25 Q Okay, let me know if that didn't play</p>	<p style="text-align: right;">Page 80</p> <p>1 tape before you brought charges with Mr. Coston?  2 A I would have, yes.  3 Q Okay. Well, let's keep listening and hear  4 what the dispatcher says.  5 (Audio played.)  6 BY MR. SHUPING: (Resuming)  7 Q Okay, the dispatcher told Mr. Coston,  8 "That'll be fine," correct?  9 MR. HAWKINS: Objection to form.  10 BY MR. SHUPING: (Resuming)  11 Q Do you remember that part?  12 A Yeah. That's what it sounds like, yes.  13 Q Okay. And you would've heard that before  14 you brought charges against Mr. Coston, correct?  15 A I would have.  16 (Audio played.)  17 BY MR. SHUPING: (Resuming)  18 Q Now, if I heard that correctly, the  19 dispatcher told Mr. Coston that he was gonna have to  20 wait a little bit longer before he could even start  21 heading over there, correct?  22 A Yeah. Yeah, that could mean traffic, I'd  23 imagine.  24 Q The dispatch had -- there were other trains  25 or something else was going on that prevented the</p>
<p style="text-align: right;">Page 79</p> <p>1 through correctly, but we heard the dispatcher there.  2 Mr. Coston told the dispatcher he was gonna be going  3 extremely slow, correct?  4 A I didn't hear that. I mean, I heard the  5 dispatcher say something about slow, but I didn't  6 hear --  7 Q Okay.  8 A -- him say, "I'm gonna be extremely slow."  9 Q Let me play this back. Unfortunately, I  10 don't have, you know, precise control over this, so  11 you'll have to forgive me, we'll have to hear some of  12 this a couple of times.  13 (Audio played.)  14 BY MR. SHUPING: (Resuming)  15 Q Mr. Bailey, did you hear that time Mr.  16 Coston say he was gonna be extremely slow?  17 A I heard it -- I did hear him say "slow." I  18 heard him say he didn't wanna deal with me or "I  19 ain't gonna deal with him. We're gonna go," yes.  20 Q Okay. And you did hear him say -- tell the  21 dispatcher he was gonna be extremely slow, correct?  22 A Well, I heard "slow." Yes, I did.  23 Q Okay. You didn't hear the word "extremely"?  24 A No.  25 Q Okay. And you would've listened to this</p>	<p style="text-align: right;">Page 81</p> <p>1 dispatcher from being able to give Mr. Coston the  2 authority to proceed over that track?  3 A Yeah. There was -- yeah, it's probably  4 something there.  5 Q Now, when Mr. Coston told the dispatcher he  6 was going to go slow, the dispatcher's response was  7 to say, "That'll be fine," and the dispatcher said,  8 you know, I don't care if I'd been over there three  9 times, I would do the same thing.  10 Is that what you heard?  11 MR. HAWKINS: Objection to form.  12 BY THE WITNESS: (Resuming)  13 A It -- yeah. It did sound -- I did hear the  14 dispatcher say that, yes.  15 Q Okay. Nothing -- you'd agree with me that  16 the dispatcher did not in any way communicate to Mr.  17 Coston, you know, oh, no, that's a bad thing, don't  18 do it, anything along those lines?  19 MR. HAWKINS: Objection to form. You can  20 answer.  21 BY THE WITNESS: (Resuming)  22 A Yeah, that dispatcher wouldn't have done  23 that. All they do is light up the signals. I mean,  24 they just give them signals. They don't actually  25 instruct them to do anything. Dispatchers are a</p>



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1 contract employee as well, so they're also a union  
 2 just like the -- the conductors and engineers are.  
 3 So they're not really their supervisor.  
 4 (Audio played.)  
 5 BY MR. SHUPING: (Resuming)  
 6 Q So the -- the -- you heard the dispatcher  
 7 say something -- make reference to "poking on down  
 8 there"?  
 9 A I did not hear that.  
 10 Q All right. Well, let me see if I can bring  
 11 this back a little.  
 12 (Audio played.)  
 13 BY MR. SHUPING: (Resuming)  
 14 Q Now, the dispatcher said, "I'd be going slow  
 15 until I got good with it." What do you think the --  
 16 from having been on the railroad for as long as you  
 17 have, what do you think the dispatcher meant when he  
 18 said "until I got good with it"?  
 19 MR. HAWKINS: Objection to the form. You  
 20 can answer.  
 21 BY THE WITNESS: (Resuming)  
 22 A Well, a dispatcher probably never  
 23 engineered, they were never a conductor, they've  
 24 never been on a train. So, I mean, to them, that's  
 25 boring, you know. Obviously it would be to them.

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1 Q You -- you wouldn't try and tell us that you  
 2 thought the dispatcher was somehow making a -- a  
 3 reference to a labor dispute, correct?  
 4 A No. Uh-uh (negative).  
 5 (Audio played.)  
 6 BY MR. SHUPING: (Resuming)  
 7 Q Did you hear the dispatcher talk about  
 8 poking on down there?  
 9 A I did, yes.  
 10 Q Okay. Let's see, let's take a look at this  
 11 transcript.  
 12 MR. HAWKINS: Trent, while you're looking  
 13 for that reference, how about we take five  
 14 minutes?  
 15 MR. SHUPING: Sure. That's fine.  
 16 (Whereupon, there was a brief recess.)  
 17 BY MR. SHUPING: (Resuming)  
 18 Q So I'll just pull up the transcript again.  
 19 We scroll from the section we're looking at now to a  
 20 certain point, we can see that you're the one who was  
 21 answering questions. Mr. Gholson is asking you a  
 22 question, "Mr. Bailey." You can see that, correct?  
 23 A I do.  
 24 Q Okay. And if we scroll back down to page --  
 25 the page that's Bates labeled, in this copy, 23,

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1 there's a question. It's, I guess, labeled as line  
 2 97, and an answer -- the answer's from you. You say,  
 3 "That's why I told the Dispatcher to have him call  
 4 me," with respect to Mr. Coston, correct?  
 5 A Correct.  
 6 Q Do you see that?  
 7 A I do see that.  
 8 Q And -- and have you had enough time to sort  
 9 of read that? Do you remember the context of that?  
 10 A I do not. I don't recall that. I mean, I  
 11 obviously said it, but I -- I don't recall. I don't  
 12 even know why I would have him call me. Maybe to  
 13 make sure he was gonna wait or where he was gonna  
 14 pick me up at, but I -- I don't know.  
 15 Q Is it your testimony today that you never  
 16 told the dispatcher that you would not be providing a  
 17 pilot to Mr. Coston?  
 18 A Yeah. I did not say that. I mean, I was  
 19 there.  
 20 Q Do you remember at any point in the  
 21 investigation testifying that you had told the  
 22 dispatcher to tell Mr. Coston to wait and that you  
 23 would come over and be their pilot?  
 24 MR. HAWKINS: Objection to form. You can  
 25 answer.

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1 BY THE WITNESS: (Resuming)  
 2 A Well, no. I mean, they called me for the  
 3 pilot, and I was already out there piloting.  
 4 Q Okay. And -- and my question is, At the  
 5 investigation, did you share with -- with anyone at  
 6 the investigation that you were -- that you told the  
 7 dispatcher that you were on your way over and would  
 8 serve as Mr. Coston's pilot?  
 9 MR. HAWKINS: Objection to form. You can  
 10 answer.  
 11 BY THE WITNESS: (Resuming)  
 12 A Yeah, I probably would have. That's why  
 13 they told him, "Bailey's on his way," referencing me.  
 14 Q Now, do you remember talking at the  
 15 investigation about whether or not your phone was  
 16 off?  
 17 A Whether or not my phone was off?  
 18 Q Yes.  
 19 A Sorry, sir, I...  
 20 Q Do you remember being questioned about that  
 21 or answering any questions about whether or not you  
 22 had your phone on?  
 23 A You know, I don't really recall. I'm  
 24 probably sure they would have. I would've had my  
 25 phone on until I got on the train.



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1 Q Do you remember working in the Austell yard  
2 with a crew on that day?

3 A Well, yeah. I was out there with 238.

4 Q Okay. What were you doing with 238?

5 A Well, they had -- they -- that train  
6 originates there. I would've just piloted then got  
7 on it once they got the train doubled up, took them  
8 to Inman.

9 Q Now, your testimony is that you would have  
10 been on a train -- on train 238 when Mr. Coston --  
11 you would have been on 238 -- or 238 actively moving  
12 towards Inman at the time that Mr. Coston was  
13 speaking with the dispatcher?

14 MR. HAWKINS: Objection to the form.  
15 BY THE WITNESS: (Resuming)

16 A Yeah. Yeah, I was out there at it. I was  
17 in the yard at Austell.

18 Q Okay. So you would've still been in the  
19 yard during these conversations?

20 MR. HAWKINS: Objection to form.  
21 BY THE WITNESS: (Resuming)

22 A Yes. They had called me on the phone. I  
23 was still in the yard and they were doubling up, and  
24 I would've rode with them on to Inman.

25 MR. HAWKINS: Just for the court reporter, I

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1 had an objection to form just before the witness  
2 began to answer.

3 THE COURT REPORTER: Yes, sir.  
4 BY MR. SHUPING: (Resuming)

5 Q If Mr. Coston felt that it was not safe for  
6 him to operate the train between Inman and Austell at  
7 full track speed, should he have done it even though  
8 he felt it was unsafe?

9 MR. HAWKINS: Objection to the form. This  
10 was asked and answered at the beginning of the  
11 deposition.

12 THE WITNESS: Do I still answer?

13 MR. HAWKINS: You can answer.

14 THE WITNESS: Oh, okay.

15 BY THE WITNESS: (Resuming)

16 A Well, if he had felt it was so unsafe, I  
17 mean, he did ask for a pilot. I was there. I was  
18 gonna pilot him, but he chose -- and he didn't want  
19 me. So, I mean, that's why I kind of struggled with  
20 this whole thing. If he felt it was so unsafe and he  
21 had to go so slow to be safe, why not just wait and  
22 let me pilot you then, and it would've been a moot  
23 point. I mean, he was gonna get what he asked for,  
24 which was a pilot. Until he found out it was me, a  
25 supervisor, then he didn't want one. He decided just

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1 to go on his own. It didn't make any sense to me.

2 It wasn't logical.

3 Q Now, the -- this track between Inman and  
4 Austell, it's -- it's double track, correct?

5 A Correct.

6 Q Is it double track the whole way?

7 A It goes to single right there at Austell  
8 where it splits off.

9 Q So it's double track except for some portion  
10 of it that's real close to -- to the Austell portion,  
11 to the Austell yard?

12 A It's past Austell. He would have cut off  
13 into the yard.

14 Q So if you would have been on a train coming  
15 from Austell to Inman at the time this was happening,  
16 you would have passed Mr. Coston's train, correct?

17 A Yes. Well, depending on if they let him out  
18 or not. Depending on where he was running.

19 Q Do you remember passing Mr. Coston's train  
20 while you were riding on another train?

21 A I do not.

22 Q You would have -- does anything need to  
23 happen when trains pass each other on double track  
24 now?

25 A No.

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1 Q If -- who was the crew on the 238 that  
2 night?

3 A Oh, Lord, I -- I don't remember.

4 Q Okay. That would be in the records,  
5 correct?

6 A Not in the investigation. Probably not.

7 Q Sure. But Norfolk Southern keeps track of  
8 what -- you know, what crew members were on what  
9 trains, correct?

10 A Oh, yeah, yeah. It should -- yes, I'm  
11 assuming.

12 Q So if you were asked to look that up, you --  
13 you could do that even today?

14 A I'm not sure how far I could go back. I  
15 don't know.

16 Q Okay. Have -- have you -- have you ever  
17 been in any way counseled or disciplined or talked to  
18 about by -- by any of your sup- -- supervisors at  
19 Norfolk Southern about -- well, let me back this up.  
20 This case that Mr. Coston have is -- is brought under  
21 certain provisions of the FRSA. You're -- you're  
22 generally familiar -- you've heard of the FRSA?

23 A Yes, sir.

24 Q Okay. And do you understand there's certain  
25 portions of the FRSA that prohibit Norfolk Southern

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1 and it's officers from retaliating against employees  
2 under certain conditions that they engage in certain  
3 activity?

4 A Yes, sir.

5 Q Okay. Have you ever in any way been  
6 counseled or disciplined or -- or talked to by any of  
7 your superiors at Norfolk Southern who felt that, you  
8 know, there had been a complaint that you might have  
9 retaliated against somebody for reporting an on-the-  
10 job injury, reporting a safety hazard, or refusing to  
11 do their job when confronted with a safety hazard?

12 A No, sir.

13 Q Have you ever heard of any other supervisor  
14 at Norfolk Southern being disciplined or counseled in  
15 any way based on any reports that they had done, you  
16 know, things that violated those provisions of the  
17 FRSA?

18 MR. HAWKINS: Objection to form. You can  
19 answer.

20 BY THE WITNESS: (Resuming)

21 A No, sir.

22 Q Have you received any training on those  
23 provisions of the FSRA that we've been talking about?

24 A Yes. We do have annual training every year  
25 that kind of refreshes that kind of stuff.

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1 Q Okay. And what does this training talk  
2 about or include?

3 A It's mostly just, you know, retaliation  
4 against any of that kind of thing. It's not so much  
5 the FRSA, it's just in general.

6 Q And with respect to this sort of general  
7 training, have you ever been disciplined, counseled,  
8 spoken to about, you know, any perceived violation of  
9 that training?

10 A No, sir.

11 Q Have you heard of any other supervisor who's  
12 been disciplined, counseled, spoken to based on some  
13 perception that they -- perception that they might  
14 have violated that part of the training?

15 MR. HAWKINS: Objection to form. You can  
16 answer.

17 BY THE WITNESS: (Resuming)

18 A No, sir.

19 Q Do you remember having any conversations  
20 with Mr. Coston at all?

21 A No. Actually, I didn't -- I never knew him.  
22 And the first time I'd seen him face-to-face was at  
23 the investigation. I -- I had no knowledge of him.  
24 Didn't know him.

25 Q And so you -- you said you may have called

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1 him but you don't remember one way or the other?

2 A I mean, it would be logical to call him. I  
3 mean, I -- you know, that would make sense. I don't  
4 recall calling him or what we talked about. I mean,  
5 it has been some time.

6 Q Have you spoken to him since the  
7 investigation?

8 A I have not, no.

9 Q Okay. Did you know that he is back at work?

10 A I did not.

11 Q Is there any part of the events of this day  
12 in November that I haven't given you a chance to tell  
13 us about yet? Is there anything that you remember  
14 that's pertinent to you that you haven't had a chance  
15 to tell us about yet?

16 MR. HAWKINS: Objection to form, but you can  
17 answer.

18 BY THE WITNESS: (Resuming)

19 A Not that I can think of. I mean, we've  
20 covered it all.

21 Q Now, at the -- well, let me back up. When  
22 you came to the investigation, did you have a sense  
23 of what Mr. Coston stated the reason for going slow  
24 was?

25 A Well, I had what I had, you know, based on

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1 the evidence I'd pulled and, you know, my experience  
2 over the years as being with the railroad. I kind of  
3 figured out why he would've done it.

4 Q I take it that was not based on a  
5 conversation with him.

6 A No. Uh-uh (negative). No.

7 Q Did you know what he said about why he went  
8 that speed?

9 A I mean, if I had talked to him, I'm sure he  
10 probably would've tried to tell me, but I'll be  
11 honest with you, I don't remember.

12 MR. SHUPING: Okay. I believe those are all  
13 the questions I have. So I don't know if  
14 Norfolk Southern's attorney, if Mr. Hawkins has  
15 any, but if not, we're --

16 MR. HAWKINS: Just very briefly. Trent, you  
17 identified a -- an audio tape. We'll need to  
18 mark that for -- for record purposes. The  
19 segment that you ident- -- you had there was the  
20 first three minutes of the call?

21 MR. SHUPING: I think it goes a little bit  
22 beyond three minutes. I don't -- I -- yeah, I  
23 don't know how you wanna handle this. I mean,  
24 to a certain extent, it's -- it's played in the  
25 video record. I don't object to having it be an

Travis Bailey

12/13/2022

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1 exhibit if you want to, although right now I  
2 have a five-hour recording. I mean, I can mail  
3 a thumb drive to our court reporter.

4 MR. HAWKINS: Why don't we do that. But can  
5 you cut -- I can do this and then send it to you  
6 to verify that it's the correct seg- -- segment.

7 MR. SHUPING: Yeah, that's fine. I mean, I  
8 think -- I could be wrong, I think it's a hair  
9 more than past the three-minute mark. I think  
10 it's actually around the three-minute mark, but  
11 I could be -- could be completely wrong on that.

12 MR. HAWKINS: All right. I'll -- I'll --  
13 I'll go through it and I'll send you a thumb  
14 drive.

15 MR. SHUPING: Okay.

16 MR. HAWKINS: Very few questions for you,  
17 Mr. Bailey.

18 DIRECT EXAMINATION

19 BY MR. HAWKINS:

20 Q You were asked whether you have a -- a  
21 present recollection as to whether you asked the  
22 dispatcher to ask Mr. Coston to call you on the night  
23 of the incident. Do you have a recollection one way  
24 or the other as to whether or not you asked the  
25 dispatcher to have Coston call you?

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1 A I don't. I mean, I...

2 Q Was it your understanding when you spoke to  
3 the dispatcher that Mr. Coston had requested a pilot?

4 A Yes.

5 Q And you heard in the audiotape that was  
6 played, you were asked a few questions about that.  
7 Did you also hear Mr. Coston say that you, as in Mr.  
8 Bailey, would "find too much wrong stuff" if you were  
9 to pilot the train?

10 MR. SHUPING: Objection. Leading.

11 BY THE WITNESS: (Resuming)

12 A I mean, he -- he did say, you know, We don't  
13 wanna fool with that. That's what I kind of heard.  
14 For some reason they didn't want me out there with  
15 them.

16 MR. HAWKINS: That's all I had. Witness  
17 will review the transcript, so if the court  
18 reporter would get the transcript to counsel,  
19 we'll get it to the witness for reviewing and  
20 signing.

21 (Whereupon, the reading and signing of the  
22 deposition by the witness was reserved.)

23 (Whereupon, the deposition in the above-  
24 entitled matter was concluded at 12:23 p.m.)

25 oOo

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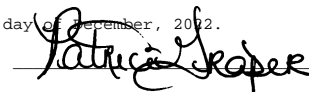
## C E R T I F I C A T E

STATE OF GEORGIA )

COUNTY OF CLAYTON )

I hereby certify that the foregoing deposition  
was taken down by me, as stated in the caption; and the  
questions and answers were reduced to print by me; that the  
foregoing pages 4 through 95 represent a true, correct,  
and complete transcript of the evidence given on Tuesday,  
December 13, 2022, by the witness, TRAVIS BAILEY, who was  
first duly sworn by me; that I am not a relative, employee,  
attorney or counsel of any of the parties; am not a  
relative or employee of attorney or counsel for any of said  
parties; nor am I financially interested in the outcome of  
the action.

This the 13th day of December, 2022.



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## E R R A T A S H E E T

TRAVIS BAILEY/12/13/2022/PG

I have read the within and foregoing pages numbered  
4 through 95 and no changes are required:

This \_\_\_\_ day of \_\_\_\_\_, 2022.

TRAVIS BAILEY

Sworn to and subscribed before me, this \_\_\_\_ day of  
\_\_\_\_\_, 2022.

Notary Public

- - -

I have read the within and foregoing pages 4  
through 95 and the following changes are required as a result  
of the transcription thereof:

Page \_\_\_\_ Line \_\_\_\_:

Page \_\_\_\_ Line \_\_\_\_:

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TRAVIS BAILEY

Sworn to and subscribed before me, this \_\_\_\_ day of  
\_\_\_\_\_, 2022.

Notary Public

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